

Message Text

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62

ACTION L-03

INFO OCT-01 EUR-12 IO-10 ISO-00 PM-04 NSC-05 SP-02 SS-15

AF-06 ARA-06 EA-07 NEA-10 CIAE-00 INR-07 NSAE-00 /088 W
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P R 072318Z OCT 75

FM USMISSION USUN NY

TO SECSTATE WASHDC 2675

AMEMBASSY LONDON PRIORITY

INFO USMISSION GENEVA

C O N F I D E N T I A L USUN 4824

LONDON FOR AMB. KEARNEY

E.O. 11652: GDS

TAGS: UN PFOR ILC

SUBJ: UNGA LEGAL COMMITTEE/ SUCCESSION OF STATES IN RESPECT
OF TREATIES

1. US DEL DISCUSSED WITH UK LEGAL ADVISER, SIR VINCENT EVANS, QUESTION OF CONCLUSION OF LEGAL COMMITTEE CONSIDERATION OF ITEM ON SUCCESSION OF STATES IN RESPECT OF TREATIES. EVANS EXPRESSED STRONG PREFERENCE UK DEL THAT 30TH GA DECIDE ONLY TO REFER BACK TO INTERNATIONAL LAW COMMISSION FOR FURTHER STUDY ARTICLES ON (A) PEACEFUL SETTLEMENT OF DISPUTES, AND (B) MULTILATERAL TREATIES OF UNIVERSAL CHARACTER. QUESTIONS OF (A) TIMING OF FINAL ELABORATION OF TEXT, AND (B) WHETHER TEXT WOULD BE FINALLY ELABORATED IN LEGAL COMMITTEE OR DIPLOMATIC CONFERENCE WOULD BE CONSIDERED ONLY AFTER ILC HAD REPORTED BACK TO LEGAL COMMITTEE, PRESUMABLY AT THE 31ST GA.

2. UK POSITION IS BASED LARGELY ON OPINION OF ILC SPECIAL RAPPORTEUR ON SUBJECT ITEM, VALLAT, THAT ILC SHOULD TAKE ANOTHER LOOK AT BOTH PROVISIONS. UK DEL ALSO CONSIDERS (A) THERE IS NO SUBSTANTIVE REASON TO SPEED CONCLUSION OF TEXT ON SUBJECT; (B) THERE IS GENERAL TENDENCY IN LEGAL COMMITTEE TO CONVENE A DIPLOMATIC CONFERENCE ON SUBJECT AND THERE DOES NOT APPEAR TO BE TIME TO CONVENE SUCH A CONFERENCE UNTIL
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1977 OR 78? AND (C) UNNECESSARY AND PERHAPS INCONCLUSIVE

CONTROVERSY WOULD ACCOMPANY ATTEMPTS DURING CURRENT GA TO
RESOLVE ISSUES OF TIMING, FORUM AND LEGAL CHARACTER OF
FINAL TEXT.

3. WE BELIEVE THERE IS GRADUALLY BUILDING SENTIMENT IN COMMITTEE
TO SEND THE TWO QUESTIONS BACK TO ILC RATHER THAN DECIDE THIS
YEAR WHAT TO DO WITH THE TEXT. GIVEN FACT WE SPOKE EXPLICITLY
IN FAVOR OF DECIDING IN FAVOR OF A CONFERENCE AND IMPLICITLY
AGAINST REFERRAL OF ANY ASPECT OF THE MATTER BACK TO ILC DEL RE-
QUIRES GUIDANCE ON WHETHER WE CAN GO ALONG WITH UK APPROACH
AND IF NOT HOW HARD WE SHOULD WORK AGAINST IT.
MOYNIHAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INTERNATIONAL LAW, COMMITTEES, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 OCT 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975USUNN04824
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750348-0571
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751076/aaaacqce.tel
Line Count: 73
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 20 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 JUN 2003 by izenbei0>; APPROVED <03 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNGA LEGAL COMMITTEE/ SUCCESSION OF STATES IN RESPECT OF TREATIES
TAGS: PFOR, UN, ILC
To: STATE LONDON
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006